

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES MCNICHOLAS,**

**Plaintiff,**

**v.**

**CENTURY LINK, INC., *et al.*,**

**Defendants.**

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**CIVIL ACTION**

**NO. 21-2344**

**ORDER**

**AND NOW**, this 15th day of November 2021, upon consideration of Defendants Level 3 Parent, LLC, and Lumen Technologies' Motions to Dismiss Plaintiff's Complaint (ECF Nos. 13, and 14), Defendants Level 3 Parent, LLC, and Lumen Technologies' Motions to Dismiss Plaintiff's Amended Complaint (ECF Nos. 22 and 23), Defendant Level 3 Parent, LLC's Second Motion to Dismiss Plaintiff's Complaint (ECF No. 28), and Plaintiff's Response in Opposition (ECF Nos. 26, 27, and 29), **IT IS HEREBY ORDERED AND DECREED** that:

1. Defendants' Motions to Dismiss the Complaint (ECF Nos. 13, 14 and 28) are **DENIED AS MOOT**;<sup>1</sup>
2. Defendants' Motions to Dismiss the Amended Complaint (ECF Nos. 22 and 23) are **DENIED WITHOUT PREJUDICE**;<sup>2</sup> and
3. The Parties are to conduct limited jurisdictional discovery for **thirty (30) days** from the date of this order.

**BY THE COURT:**

**/s/ Petrese B. Tucker**

**Hon. Petrese B. Tucker, U.S.D.J.**

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<sup>1</sup> Plaintiff filed an Amended Complaint on June 23, 2021. (ECF No. 21).

<sup>2</sup> Defendants may renew their motions at the conclusion of the limited jurisdictional discovery.